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**DECISION**



**THE COMPTROLLER GENERAL  
OF THE UNITED STATES**  
WASHINGTON, D. C. 20548

FILE: B-202601

DATE: May 7, 1981

MATTER OF: Patterson Pump Company

**DIGEST:**

Qualifications and experience of bidders and offerors and their ability to perform particular contract are matters of responsibility. Protest filed before responsibility determination has been made will be dismissed, since if it is affirmative, GAO will not review it in absence of showing of fraud on part of Government or allegation of failure to apply definitive responsibility criteria, and if it is negative, protest will be moot.

Patterson Pump Company protests any award to the apparent low bidder, Reddy-Buffalo Pump Co., under a solicitation for pumps, engines, and gear reducers issued by the U.S. Army Engineer District, St. Louis, Missouri.

According to the protester, the firm in question misrepresented the qualifications of an individual whom it stated in its bid had designed, tested, and supplied pumps to different Corps of Engineer districts. In addition, according to Patterson, the apparent low bidder does not have trained personnel, adequate equipment, or financial resources to perform the work under the contract. The protester concludes that Reddy-Buffalo is not responsible and completely fails to meet the requirements of the invitation for bids.

Our Office has no way of determining whether the qualifications of the individual referred to by the protester were accurately represented. This is not, however, a matter of responsiveness, i.e., whether Reddy-Buffalo has offered to perform in accord with the exact terms of the solicitation. Rather, the qualifications and experience of bidders and offerors and their ability

[Contract Award Protest]

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to perform a particular contract are matters of responsibility. Our Office does not review affirmative determinations of responsibility unless there is a showing of fraud on the part of the Government or an allegation of failure to apply definitive responsibility criteria. Colorado Research and Prediction Laboratory, Inc., B-199755, March 5, 1981, 81-1 CPD 170.

In the instant case, we have been advised by the Corps of Engineers that a favorable pre-award survey of Reddy-Buffalo has been completed, but that no determination of responsibility has yet been made. If the determination is affirmative, we would not review it since no evidence regarding fraud or failure to allow definitive responsibility criteria has been submitted. If, on the other hand, Reddy-Buffalo is determined nonresponsible, the protest becomes moot.

Consequently, this protest does not involve matters for our review on the merits, and we therefore are disposing of the matter without obtaining a report from the Corps of Engineers.

The protest is dismissed.

*Harry R. Van Cleve*  
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Acting General Counsel